

**REMARKS**

Claims 1-21 have been examined. With this amendment, Applicant cancels claims 5, 13, and 18 and adds claims 22-29. Claims 1-4, 6-12, 14-17, 19-29 are all the claims pending in the application.

**I. Formalities**

Applicant thanks the Examiner for acknowledging the claim for priority and for confirming receipt of the certified copy of the priority document.

Applicant thanks the Examiner for initialing and returning copies of the forms PTO 1449 submitted with the Information Disclosure Statements filed on January 8, 2002 and August 19, 2003.

Applicant requests that the Examiner initial and return a copy of the forms PTO 1449 submitted with the Information Disclosure Statements filed on August 22, 2002, and December 6, 2004, in the next Office Action.

**II. Claim Objections**

The Examiner has objected to claims 1, 10 and 17 under 37 CFR § 1.75 (a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

Applicant has amended claims 1, 10 and 17 to more clearly define Applicant's invention.

**III. Claim Rejections - 35 USC § 103**

The Examiner has rejected claims 1-4, 8, 10-12, 15, 17 and 20 under 35 U.S.C. 103(a) as being unpatentable over the combination of Yamaguchi *et al.*, (EP 0797170 A1) ["Yamaguchi"]

and Bergenek *et al.*, (US 6,241,288) [“Bergenek”]. For at least the following reasons, Applicant traverses the rejection.

Applicant submits that the features of the present invention as set forth in the independent claims are as follows:

a) The fingerprint identification device selects a plurality of fingerprint images according image quality from a plurality of the first fingerprint images obtained more than once from one finger.

b) The fingerprint identification device obtains a plurality of collating results by collating each of a plurality of selected fingerprint images.

c) The fingerprint identification device conducts fingerprint identification determination based on the plurality of collating results.

Applicant submits that neither the claimed selection of a plurality of fingerprint images based on information of image quality nor the claimed conducting fingerprint identification determination based on a plurality of collating results is disclosed or suggested by Yamaguchi and Bergenek (taken alone or in combination).

In addition, claim 1 recites a fingerprint identification system that comprises a “fingerprint identification terminal [that] inputs a plurality of first fingerprint images obtained more than once for one finger ... and transmits information of said image quality [of said plurality of first fingerprint images] to [a] fingerprint identification device ... [which] selects a plurality of fingerprint images from said plurality of first fingerprint images based on said

information of said image quality.” The Examiner contends that cols. 15-18 of Yamaguchi disclose these features. Applicant disagrees.

Even if, for the sake of argument alone, Yamaguchi discloses that fingerprint images are rearranged based on quality as contended by the Examiner, the alleged rearranging of the fingerprint images in Yamaguchi is related to the registration of a single transmitted fingerprint. Yamaguchi discloses that to register an image the average number of pseudo minutiae must be below a threshold (col. 23, lines 10-15). Yamaguchi also discloses that a fingerprint image of the best finger may be registered from fingerprints images of different fingers (see col. 23, lines 29-33, Fig. 2). The registered image is then used as comparison with an input fingerprint imaged by the fingerprint image pickup unit (see col. 23, lines 35-37, Fig. 1, elements 1, 6 and 8). Thus, any alleged transmittal would only involve a single fingerprint image (i.e., the best finger), not the fingerprint images (plural) that have allegedly been rearranged. Thus, Yamaguchi’s registration process does not disclose at least the claimed transmittal of information of image quality of a plurality of first fingerprint images by the claimed fingerprint identification terminal.

In addition, the multiple fingerprint images disclosed in Yamaguchi are for different fingers, not for one finger as set forth in claim 1. Therefore, Yamaguchi does not disclose or suggest a plurality of fingerprint images of one finger be transmitted as set forth in claim 1.

To the extent Bergenek may disclose multiple images of the same finger, these images are for matching a candidate (input) fingerprint with a reference point by acquiring and processing separately multiple images (see col. 12, line 64 to col. 13, line 3, Fig. 13). Thus, Bergenek’s multiple fingerprint images are for the input fingerprint, not the reference fingerprint.

Accordingly, any reliance by the Examiner on Bergenek to teach transmittal of fingerprint images for one finger is misplaced since Bergenek does not disclose or suggest that multiples images of a fingerprint of the same finger be used in the fingerprint registration process. Absent such a suggestion, Applicant submits that one skilled in the art would not have combined the multiple input fingerprint images of the same finger disclosed by Bergenek with the registration process disclosed in Yamaguchi. Accordingly, the Examiner's proffered reason for combining could only have been through improper hindsight.

For at least the reasons given above, Applicant submits that Yamaguchi and Bergenek (taken alone or in combination) do not teach the claimed transmitting of information of quality on a plurality of first fingerprint images and the claimed selection of a plurality of fingerprint images based on image quality.

Because independent claims 10 and 17 recite features similar to those given above, Applicant submits that these claims are patentable for at least reasons similar to those given above with respect to claim 1.

Applicant submits that claims 2-4, 8, 11-12, 15 and 20 are patentable at least by virtue of their respective dependencies.

#### **IV. Allowable Subject Matter**

Applicant thanks the Examiner for finding allowable subject matter in claims 5-7, 9, 13-14, 16, 18, 19 and 21 and for indicating that they would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant holds rewriting these claims in abeyance until the subject matter regarding their base claims is resolved. Please note that Applicant has canceled claims 5, 13 and 18.

**V. New Claims**

With this amendment, Applicant adds claims 22-29. Because independent claim 28 recites features similar to those given above with respect to claim 1, Applicant submits that claim 28 is patentable for at least reasons similar to those given above with respect to claim 1. Applicant submits that the remaining claims are patentable at least by virtue of their respective dependencies, as well as the features set forth therein.

**VI. Conclusion**

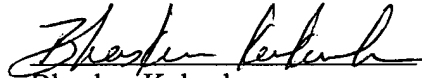
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**Amendment Under 37 C.F.R. § 1.111**  
**U.S. Serial No. 10/055,926**

**Attorney Docket No.: Q68222**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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